



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 23098

PERMIT 15816

LICENSE 10231

THIS IS TO CERTIFY, That

ROBERT M. SMITH

18401 IDA CLAYTON ROAD, CALISTOGA, CALIFORNIA 94515

HAS made proof as of AUGUST 9, 1973 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
AN UNNAMED STREAM IN SONOMA COUNTY

tributary to MILL STREAM THENCE BRIGGS CREEK THENCE MAACAMA CREEK THENCE  
RUSSIAN RIVER

for the purpose of DOMESTIC AND FISH CULTURE USES  
under Permit 15816 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from JULY 26, 1968 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed TWO HUNDRED TWENTY-FIVE THOUSANDTHS (0.225) CUBIC FOOT  
PER SECOND, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE  
MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 156 ACRE-FEET  
PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

DUE WEST 750 FEET FROM S1/4 CORNER OF SECTION 20, T10N, R7W, MDB&M,  
BEING WITHIN SE1/4 OF SW1/4 OF SAID SECTION 20.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN S1/2 OF SW1/4 OF SECTION 20, T10N, R7W, MDB&M.

UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS LICENSE OR A  
PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO  
DETERMINED AND THE RIGHT ACQUIRED UNDER THIS LICENSE SHALL NOT RESULT IN A  
COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER  
THE LARGER OF THE TWO RIGHTS.

WATER DIVERTED UNDER THIS LICENSE FOR FISH CULTURE PURPOSES SHALL BE  
RETURNED TO THE STREAM FROM WHICH IT IS DIVERTED IMMEDIATELY BELOW THE FISH  
HATCHERY.

*All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

the various countries, the Government of the United States has been concerned in this matter with a view to establishing a more uniform water management of the same nature as measurable data on the source. Several measures may be required to implement such programs as (1) revision or improvement of water allocation, (2) to eliminate agricultural subsidies or to reduce return flow, (3) suppressing population losses from water surpluses, (4) controlling phytoplankton growth, and (5) installing measuring devices to assess equivalence with the growth limitations of this device and to determine accurately water use in general. Reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board takes notice to affected parties and opportunity for hearing that such specific requirements are practically and financially feasible and are appropriate to the particular situation.

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

**Section 1625.** Each license shall be in such form and contain such terms as may be prescribed by the Board.

**Section 1626.** All licenses shall be under the terms and conditions of this division (of the Water Code).

**Section 1627.** A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **MAY 9 1974**

STATE WATER RESOURCES CONTROL BOARD

*Acting* R. L. Rosenberger  
Chief, Division of Water Rights